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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

STATE OF OREGON,) Case No. 1:16-cv-00013-MC
)
Petitioner,)
) STATUS REPORT filed concurrently with
v.) JUDICIAL NOTICE
)
Fernando Morales, Sr. and)
Fernando Morales, Jr.,)
)
Respondents)
)

TO THE HONORABLE JUDGE OF SAID COURT:

Per order by Judge Michael J. McShane in Case No. 1:16-cv-00012-MC, Respondents submit this status report regarding criminal proceedings 1500747CR and 1500748CR in the Klamath County Circuit Court.

1. I, Respondent Fernando Morales, Jr. ("Respondent," "I," "me," "my,") have plead not guilty to 29 felony charges of cockfighting. My demand for a trial by jury of my peers is in the record. Court audio of hearings – also in the record – prove that no evidence of cock fighting was found. This audio in the record also proves that my birds/property is kept for pleasure by people who enjoy showing beautiful game fowl at fairs and poultry shows. Just as not all bull dog owners are dog fighters, not all game fowl owners are cock fighters.

2. The August 15 2016 hearing on motions to dismiss and suppress has been cancelled – again. Every hearing since this case started on April 4, 2015 has been cancelled. This hearing was to have all charges dismissed with prejudice, because Assistant District Attorney Sharon Forester, Gale McMahon along with animal control, and Klamath Falls police officer Kylie

Bermington conspired together and threatened to kill my dog if I did not start cooperating and admit I was guilty! This is on the police audio of my interrogation.

3. Issues to have been brought up during this hearing, are the facts that:

1. there is no signed affidavit from a victim of any crime I allegedly committed,
2. Gale McMahon impersonated a police officer and lied then about it, when documentation and testimony under oath shows that he was factually only authorized as a special agent for animal control,
3. Gale McMahon and Kylie Bermington illegally seized my dog and removed my dog from my home; the dog was not named or listed in any manner on the warrant (theft under color of law, illegal search and seizure),
4. McMahon, Bermington and Forester took my dog and then specifically tried to extort a false confession from me by threatening to kill my dog,
5. the search warrant is invalid and illegal for being a general warrant outlawed by the Fourth Amendment, and
6. Sharon Forester and Mark Costello have tried to coerce me into taking a lie detector test instead of holding a hearing before a judge in direct violation of my constitutionally protected and guaranteed rights.

4. My attorney, Mark Costello, told me the audio of the interrogation was admissible in court. The last three hearings were cancelled because Mark Costello refused to supply a transcript of the audio or supply the audio to the court. For the last two months, I have been asking Mark Costello to please bring the transcript to the hearing. Mark Costello then lied to me and said I did not need it. The hearing was cancelled because Costello did not supply the transcript, which contains evidence of procedural wrongdoing and which exonerates me and my father.

5. I am now scheduled for trial in December 2016, without having had any pretrial hearing or motions in my defense or my testimony regarding the corruption of Forester, McMahon, and Bermington being heard by any judge. Defense Attorneys Allison Martin and Mark Costello have done nothing in my defense, and I have had to fire both of them. On August 15, 2016 after the hearing was cancelled, Mark Costello said I was wasting his time. A heated

verbal confrontation followed this statement, and I, Fernando Morales Jr. am in the process of filing a complaint against Mark Costello with the Oregon BAR Association.

6. Allison Martin was my first defense attorney. For the first about eight months, she refused to perform any basic actions to defend me or advocate on my behalf. She refused to file a motion to suppress the search warrant, would not defend any of my Constitutional rights in court, and she refused to talk to me about my case. When I tried to talk to her about my case and my defense, she kicked me out of her office. That is the extent of the "help" I received from Allison Martin and Mark Costello as professional attorneys.

7. The trial on this case is still scheduled for December, 2016.

8. Allison Martin is now an assistant district attorney for Klamath Falls Oregon. My lawsuit in Federal court must be allowed to go forward, as this is the only way the corruption of Forester, McMahon and Bermingston can be stopped, and I can have access to an unbiased forum and fair hearing.

9. This is my Notice to United States District Court Judge Michael J. McShane, that District Attorney for Klamath Falls Oregon Sharon Forester, Klamath Falls Animal Control Gale McMahon, and Klamath Falls Oregon Police officer Kylie Bermingston did, on April 4, 2015, conspire together to deprive me, Fernando Morales Jr., of rights given to me by GOD secured, protected, guaranteed and enshrined by the Constitution, and did deprive my of these rights and property under color of law.

10. Since this case began on April 4, 2015, and continuing with every ensuing court appearance since, Forester, McMahon and Bermingston have violated and broken the following laws of the United States of America: Title 18 U.S.C. § 241 Conspiracy against rights; Title 18 U.S.C. § 242 Deprivation of Rights; Title 18 U.S.C. § 4 Misprision of Felony, and Title 18

U.S.C. § 2382 Misprision of Treason. They also violated laws against impersonating an officer, falsification of evidence, and deprivation of rights by use of threat, duress, and coercion.

11. I, Fernando Morales Jr., do now disclose and make known these violations to United States District Judge Michael J. McShane.

Respectfully Submitted,

Fernando Morales, Sr., pro per
Without recourse UCC 1-308
5725 Summers Lane
Klamath Falls, OR 97603

Date


Fernando Morales, Jr., pro per
Without recourse UCC 1-308
5725 Summers Lane
Klamath Falls, OR 97603

Date

8-24-16